



Robert S. Peters  
Secretary

COMMONWEALTH OF KENTUCKY  
PERSONNEL CABINET  
200 FAIR OAKS LANE  
5TH FLOOR  
FRANKFORT, KENTUCKY 40601

Paul E. Patton  
Governor

January 9, 1997

**MEMORANDUM**

**PERSONNEL MEMO 97-2**

**TO:** Cabinet Secretaries  
Agency Heads  
Personnel Executives

**FROM:** Robert S. Peters  
Secretary *RSP*

**SUBJECT:** Recommended Notice to Employees  
with Peace Officer Authority

Attached is a recommended notice and self-identification form that the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms has suggested be sent to all employees who have "peace officer" or law enforcement authority. As the attached forms indicate, the recent amendments to the Federal Gun Control Act of 1968 prohibit anyone, including officers who are required or authorized to carry a weapon in the course of their duties, from possessing or otherwise exercising control over a firearm or ammunition if they have ever been convicted of a misdemeanor offense involving domestic violence. The penalties for violation of this law are severe and it is necessary that agencies take action to identify employees who may be affected.

Procedures are being developed to confirm or rebut information that agencies receive as a result of this inquiry. Employees who self-identify as being under a legal disability to possess a firearm or ammunition should be given priority consideration for reassignment of duties wherever possible. Agencies should also consider such factors as seniority, performance appraisals, conduct and qualifications in making these decisions.

Upon receipt of the information from employees, please provide a copy of the response to the Personnel cabinet for inclusion in the employee's personnel file. Thank you for your cooperation. Any questions concerning this matter may be directed to Daniel F. Egbers, Managing Attorney for the Personnel Cabinet at 564-4460 or by "E-Mail".

RSP/DFE:cw

attachment

**SUGGESTED  
MEMORANDUM**

TO: Employee  
FROM: \_\_\_\_\_, Secretary  
RE: Gun Control Act  
Self-Identification

There has been a recent change in the law pertaining to possession of firearms or ammunition. On September 30, 1996, Title 18, United States Code, Section 922 (g) (9) took effect, making it illegal for anyone who has been convicted of a misdemeanor crime of domestic violence to possess any firearm or ammunition. "Misdemeanor crime of domestic violence" is generally defined as any offense—whether or not explicitly described in a statute as a crime of domestic violence—which has, as its factual basis, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by the victim's current or former domestic partner, parent, or guardian.

This provision applies to persons convicted at any time prior to or after the passage of the September 30, 1996 law. Moreover, there is no exemption for law enforcement officers and agents. If you have ever been convicted of a misdemeanor crime of domestic violence within the meaning of the statute, continued retention of any firearm or ammunition, whether Government-issued or privately owned, may subject you to felony criminal penalties, including a sentence of imprisonment of up to ten years and a fine of up to \$250,000, as well as administrative action.

*Exceptions:* A person is not considered to have been convicted of an offense involving domestic violence if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

If you are affected by this statute: (1) you may not possess any firearm or ammunition; and (2) you must return any Government-issued firearm or ammunition to [your immediate supervisor]. Furthermore, since the statute makes it illegal for you to possess any firearm or ammunition, any previously issued authorization to possess a firearm or ammunition is revoked.

Attached to this memorandum is a qualification inquiry, which you must complete and return to [your immediate supervisor] within ten (10) working days of receipt. If you have any questions, you may contact [your immediate supervisor], appointing authority, or private attorney.

Attachment: Self-identification form

**Recommended Qualification Inquiry Form**

**MEMORANDUM**

**FOR:** EMPLOYEE  
Social Security Number: \_\_\_\_\_  
Agency \_\_\_\_\_

**FROM:** Cabinet Secretary

**Date:** \_\_\_\_\_

**SUBJECT:** MANDATORY QUALIFICATION INQUIRY

Within ten (10) working days of receipt, you are required to complete this Qualification Inquiry and provide it to [your immediate supervisor]. In completing this form, you are advised:

- (a) The purpose is to obtain information which will assist in the determination of whether personnel reassignment and/or administrative action are warranted.
- (b) You have a duty to complete this form. Agency disciplinary action, including dismissal may be undertaken if you refuse to answer or if you fail to reply fully and truthfully.
- (c) Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal prosecution for a violation of Title 18, United States Code, Section 922 (g) (9). However, the answers you furnish and any information or evidence resulting therefrom may be used against you in a prosecution for knowingly and willfully providing false statements or information, and in the course of agency disciplinary proceedings.

1. Have you ever been convicted of a misdemeanor crime of domestic violence within the meaning of the statute?

Initial and date: YES \_\_\_\_\_ NO \_\_\_\_\_

2. If you answered YES to the first question, provide the following information with respect to the conviction:

Court/Jurisdiction: \_\_\_\_\_

Docket/Case Number: \_\_\_\_\_

Statute/Charge: \_\_\_\_\_

Date Sentenced: \_\_\_\_\_

I hereby certify that, to the best of my information and belief, all of the information provided by me is true, correct, complete, and made in good faith. I understand that false or fraudulent information provided herein may be grounds for adverse action, up to and including dismissal, and is also criminally punishable pursuant to federal law, including 18 U.S.C. 1001.

\_\_\_\_\_  
EMPLOYEE

\_\_\_\_\_  
DATE

Copy to: Personnel File